

Senate File 208 - Introduced

SENATE FILE 208

BY KINNEY

A BILL FOR

1 An Act concerning payments under the crime victim compensation
2 program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 915.80, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. *"Survivor of a deceased victim"* means
4 a spouse, former spouse, child, foster child, parent, legal
5 guardian, foster parent, sibling, foster sibling, or person
6 cohabiting with, or otherwise related by blood or affinity,
7 of a victim who dies as a result of a crime, a good-faith
8 effort attempting to prevent a crime, or a good-faith effort to
9 apprehend a person suspected of committing a crime.

10 Sec. 2. Section 915.86, subsections 4, 8, 9, 10, 11, 13, 14,
11 15, and 16, Code 2017, are amended to read as follows:

12 4. Loss of income from work that the victim, the victim's
13 parent or caretaker, or the survivor of a ~~homicide~~ deceased
14 victim ~~as described in subsection 10~~ would have performed and
15 for which that person would have received remuneration, where
16 the loss of income is a direct result of cooperation with
17 the investigation and prosecution of the crime or attendance
18 at criminal justice proceedings including the trial and
19 sentencing in the case, or due to the planning of or attendance
20 at a funeral, memorial, or burial service, not to exceed one
21 thousand dollars per person.

22 8. In the event of a victim's death, reasonable charges
23 incurred for counseling ~~the victim's spouse, children, parents,~~
24 ~~siblings, or persons cohabiting with or related by blood~~
25 ~~or affinity to the~~ a survivor of a deceased victim if the
26 counseling services are provided by a psychologist licensed
27 under chapter 154B, a victim counselor as defined in section
28 915.20A, subsection 1, or an individual holding at least a
29 master's degree in social work or counseling and guidance, and
30 reasonable charges incurred by such persons for medical care
31 counseling provided by a psychiatrist licensed under chapter
32 148. The allowable charges under this subsection shall not
33 exceed five thousand dollars per person.

34 9. In the event of a ~~homicide~~ victim's death, reasonable
35 charges incurred for health care for ~~the victim's spouse,~~

1 ~~child, foster child, stepchild, son-in-law, or daughter-in-law;~~
 2 ~~parent, foster parent, or stepparent; sibling, foster sibling,~~
 3 ~~stepsibling, brother-in-law, or sister-in-law; grandparent;~~
 4 ~~grandchild; aunt, uncle, or first cousin; legal ward; or person~~
 5 ~~cohabiting with the~~ a survivor of a deceased victim, not to
 6 exceed three thousand dollars per survivor.

7 10. In the event of a homicide victim's death, loss of
 8 income from work that, but for the death of the victim, would
 9 have been earned by ~~the victim's spouse; child, foster child,~~
 10 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
 11 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
 12 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
 13 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
 14 ~~with the~~ a survivor of a deceased victim, not to exceed six
 15 thousand dollars.

16 11. Reasonable expenses incurred by the victim, secondary
 17 victim, or survivor of a deceased victim for cleaning the scene
 18 of a crime, ~~if the scene is a residence,~~ not to exceed one
 19 thousand dollars per crime scene.

20 13. Reasonable dependent care expenses incurred by the
 21 victim, the victim's parent or caretaker, or the survivor of a
 22 ~~homicide deceased~~ victim ~~as described in~~ subsection 10 for the
 23 care of dependents while attending criminal justice proceedings
 24 ~~or,~~ medical or counseling services, or funeral, burial, or
 25 memorial services, not to exceed one thousand dollars per
 26 person.

27 14. Reasonable crime-related expenses incurred by a victim,
 28 the victim's parent or caretaker, or ~~the~~ a survivor of a
 29 ~~homicide deceased~~ victim ~~as described in~~ subsection 10 to
 30 replace inadequate or damaged or install new locks, windows,
 31 and other residential security items ~~at the victim's residence~~
 32 ~~or at the residential scene of a crime,~~ not to exceed five
 33 hundred dollars per residence.

34 15. Reasonable expenses incurred by the victim, a secondary
 35 victim, the parent or guardian of a victim, or ~~the~~ a survivor

1 of a ~~homicide~~ deceased victim ~~as described in subsection 10~~ for
 2 transportation to medical, or counseling services, ~~funeral, or~~
 3 criminal justice proceedings, or a funeral, memorial, or burial
 4 service, not to exceed one thousand dollars per person.

5 16. Reasonable charges incurred by a victim, a secondary
 6 victim, ~~the~~ a survivor of a ~~homicide~~ deceased victim ~~as~~
 7 ~~described in subsection 9~~, or by a victim service program on
 8 behalf of a victim, for emergency relocation expenses, not to
 9 exceed one thousand dollars per person per lifetime.

10 Sec. 3. Section 915.86, Code 2017, is amended by adding the
 11 following new subsection:

12 NEW SUBSECTION. 18. *a.* A victim, secondary victim,
 13 or survivor of a deceased victim may be awarded additional
 14 compensation in an amount not to exceed a total of five
 15 thousand dollars per person for charges, expenses, or loss of
 16 income incurred that would otherwise be compensable under this
 17 section but for the eligibility requirements and compensation
 18 limits provided for at the time of initial application
 19 for compensation under this section under the following
 20 circumstances:

21 (1) The charges, expenses, or loss of income incurred were
 22 not compensable under this section at the time of initial
 23 application for compensation under this section.

24 (2) The victim, secondary victim, or survivor of a deceased
 25 victim demonstrates that a denial of additional compensation
 26 under this subsection would constitute an undue hardship.

27 (3) The victim, secondary victim, or survivor of a deceased
 28 victim incurs additional charges, expenses, or loss of income
 29 that would otherwise be compensable under this section but
 30 for the compensation limits provided for the applicable
 31 compensation category upon occurrence of a new event related
 32 to the event authorizing compensation under this section. For
 33 purposes of this subparagraph, "*new event*" includes additional
 34 criminal justice proceedings due to a mistrial, retrial, or
 35 separate or additional trials resulting from the existence of

1 multiple offenders; a new appellate court decision relating to
2 the event authorizing compensation under this section; a change
3 of venue of a trial; a change in offender custody status; the
4 death of the offender; or the exoneration of the offender.

5 *b.* Additional compensation otherwise authorized by this
6 subsection shall not be awarded for an application for
7 compensation under subsection 7, 16, or 17.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill concerns compensation payable under the victim
12 compensation program.

13 Code section 915.80 is amended to add a definition for a
14 survivor of a deceased victim and provides that a survivor
15 includes a spouse, former spouse, child, foster child, parent,
16 legal guardian, foster parent, sibling, foster sibling, or
17 person cohabiting with, or related by blood or affinity, of a
18 deceased victim.

19 Code section 915.86, concerning computation of compensation
20 under the victim compensation program, is amended.

21 The bill amends provisions concerning reimbursement of loss
22 of income from work to allow reimbursement for attending or
23 planning the funeral of the deceased victim. In addition, the
24 bill provides that the compensation limit under this category
25 is \$1,000 per person.

26 The bill amends provisions concerning reimbursement for
27 cleaning the scene of the crime to strike the limitation that
28 the cleaning be limited to a crime scene that is a residence,
29 and provides that the compensation limit of \$1,000 applies per
30 crime scene.

31 The provisions concerning dependent care expenses are
32 amended to allow compensation for attending funeral, burial, or
33 memorial services.

34 The bill amends provisions concerning reimbursement for
35 certain security items to allow reimbursement to replace

1 inadequate or damaged or install new locks, windows, and
2 residential security items instead of just to replace these
3 items.

4 The provisions concerning reimbursement for certain
5 transportation costs is amended to allow compensation for
6 transportation to a funeral, memorial, or burial service.

7 The bill adds a new provision to provide additional
8 compensation of up to a total of \$5,000 for qualifying
9 compensable expenses under the Code section if the expenses
10 were not eligible for compensation at the time the initial
11 application for benefits was made; the victim, secondary
12 victim, or survivor of a deceased victim demonstrates that a
13 denial of additional compensation would constitute an undue
14 hardship; or additional compensable qualifying expenses are
15 incurred following a new event. The bill defines "new event"
16 to include additional criminal justice proceedings, a new
17 appellate court decision relating to the event, a change of
18 venue of a trial, a change in offender custody status, the
19 death of the offender, or the exoneration of the offender. The
20 new provision further provides that expenses related to loss
21 of support or charges incurred by a victim service program for
22 emergency relocation expenses or housing assistance are not
23 eligible for additional compensation.